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THE SITUATION IN BOSNIA AND HERZEGOVINA

Afghanistan, Albania, Algeria, Azerbaijan, Bahrain, Bangladesh, Bosnia and Herzegovina, Brunei Darussalam, Burkina Faso, Colombia, Comoros, Costa Rica, Djibouti, Egypt, Gambia, Guinea, Guinea-Bissau, Indonesia, Iran (Islamic Republic of), Jordan, Kuwait, Kyrgyzstan, Latvia, Lebanon, Libyan Arab Jamahiriya, Lithuania, Malaysia, Mauritania, Morocco, Niger, Oman, Pakistan, Qatar, Saudi Arabia, Senegal, Sierra Leone, Sudan, Tunisia, Turkey, United Arab Emirates and Yemen: draft resolution

The General Assembly,

Reaffirming its resolutions 46/242 of 25 August 1992 and 47/121 of 18 December 1992 and all relevant resolutions of the Security Council regarding the situation in the Republic of Bosnia and Herzegovina,

Reaffirming once again that, as the Republic of Bosnia and Herzegovina is a sovereign, independent State and a Member of the United Nations, it is entitled to all rights provided for in the Charter of the United Nations, including the right to self-defence under Article 51 thereof,

Gravely concerned that the unprovoked armed hostilities and aggression continue against the Republic of Bosnia and Herzegovina and that the relevant resolutions of the Security Council remain unimplemented,

Recalling the report of the Committee on the Elimination of Racial Discrimination, 1/ in which the Committee "notes with great concern that links existed between the Federal Republic of Yugoslavia (Serbia and Montenegro) and Serbian militias and paramilitary groups responsible for massive, gross and

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1/ A/48/18. To be issued in final form as Official Records of the General Assembly, Forty-eighth Session, Supplement No. 18 (A/48/18).

systematic violations of human rights in Bosnia and Herzegovina and in Croatian territories controlled by Serbs", 2/

Condemning the continuing hostilities by the Bosnian Serbs, particularly their abhorrent policy of "ethnic cleansing",

Alarmed also at extremist Bosnian Croat military elements for their aggressive acts against the Republic of Bosnia and Herzegovina,

Alarmed at the collusion between Serbian forces and extremist Bosnian Croat elements and others to seek the dismemberment of the Republic of Bosnia and Herzegovina, in clear violation of the principles of the Charter of the United Nations, and in total disregard of the relevant resolutions of the General Assembly and those of the Security Council,

Deploring the non-compliance with the relevant Security Council resolutions, especially by the Bosnian Serb Party,

Recalling the principles enunciated in its resolutions and the relevant resolutions of the Security Council, as well as those adopted by the International Conference on the former Yugoslavia,

Reaffirming its determination to have the Republic of Bosnia and Herzegovina maintain its independence, unity, and territorial integrity, and noting, in accordance with Article 24 of the Charter, the responsibility of the Security Council in that regard,

Reaffirming its determination to prevent acts of genocide and crimes against humanity,

Reaffirming once again its total and complete rejection of the acquisition of territory through the use of force and the abhorrent practice of "ethnic cleansing",

Stressing that the continuation of aggression in Bosnia and Herzegovina is a serious impediment to the peace process,

Bearing in mind the obligation of all States to act in conformity with the principles and purposes of the United Nations Charter,

Stressing that the full implementation of Security Council resolutions concerning the United Nations Protected Areas in the territory of the Republic of Croatia is of significant importance for the securi territorial integrity and stability of the Republic of Bosnia and Herzegovi

Noting that the International Court of Justice i ts Order of 13 September 1993 in the case concerning application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia (Serbia and Montenegro)) indicated as a provisional easure that "the

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2/ Ibid., para. 537.

Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) should immediately, in pursuance of its undertaking in the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948, take all measures within its power to prevent commission of the crime of genocide", 3/

Further noting the Order of the International Court of Justice of 13 September 1993, in which it stated that "the perilous situation demands ... [the] immediate and effective implementation of those [provisional] measures", 4/

Commending the work of the Commission of Experts established pursuant to Security Council resolution 780 (1992), of 6 October 1992 and noting with interest the first and second interim reports of the Commission of Experts, 5/

Expressing its concern about the continuing siege of Sarajevo and other Bosnian cities and "safe areas" which endanger the well-being and safety of their inhabitants,

Aware, in the context of the character of Sarajevo as a multicultural, multi-ethnic and multireligious centre, of the need to preserve its plurality and avoid its further destruction,

Conscious that the grave situation in the Republic of Bosnia and Herzegovina continues to be a threat to international peace and security,

1. Reaffirms the principles enunciated in its resolutions and the relevant resolutions of the Security Council and those adopted by the International Conference on the former Yugoslavia pertaining to the Republic of Bosnia and Herzegovina;

2. Demands that all parties implement immediately, and scrupulously maintain in good faith, a cease-fire and agree to cease all hostilities throughout the Republic of Bosnia and Herzegovina, in order to create an atmosphere conducive to the resumption of peace negotiations within the framework of the International Conference on the former Yugoslavia;

3. Reaffirms that the consequences of "ethnic cleansing" will not be accepted by the international community and that those who have seized and by "ethnic cleansing" and by the use of force must relinquish those lands, in conformity with norms of international law;

3/ Order of the International Court of Justice of 13 September 1993, case concerning application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia (Serbia and Montenegro)), para. 37, A (1).

4/ Ibid., para. 59.

5/ S/25274 and S/26545.

4. Condemns the continued violation of the international border between the Republic of Bosnia and Herzegovina and the Republic of Croatia by Serbian forces, and thereby requests the Security Council to take all necessary measures in implementation of its resolution 769 (1992) of 9 August 1992;

5. Requests the Security Council to follow and immediately implement its resolution 838 (1993) of 10 June 1993 to ensure that the Federal Republic of Yugoslavia (Serbia and Montenegro) immediately cease the supply of military arms, equipment and services to Bosnian Serb paramilitary units, as demanded in Security Council resolution 819 (1993) of 16 April 1993;

6. Demands that the Bosnian Serb party lift forthwith the siege of Sarajevo and other "safe areas", as well as other besieged Bosnian towns, and urges the Secretary-General to direct the United Nations Protection Force to take necessary measures, in accordance with relevant Security Council resolutions, for the protection of the "safe areas";

7. Demands that, as a means of bringing about the cessation of hostilities and to facilitate delivery of humanitarian assistance, in accordance with paragraphs 5 and 9 of Security Council resolution 836 (1993) of 6 June 1993, the Bosnian Serb party withdraw all its heavy weaponry and forces to areas outside the city of Sarajevo and other "safe areas", to a distance wherefrom they cease to constitute a menace to their security and that of their inhabitants, and are to be monitored by United Nations military observers, and urges all parties to agree to implement further confidence-building measures;

8. Reaffirms once again the right of all refugees and displaced persons to voluntarily return to their homes in safety and dignity;

9. Commends the ongoing efforts of the Office of the United Nations High Commissioner for Refugees, the United Nations Protection Force and other international humanitarian agencies, and notes with the utmost appreciation those individuals that have shown exemplary bravery and courage, and those who have made the ultimate sacrifice in carrying out their duties;

10. Urges the Office of the United Nations High Commissioner for Refugees, as part of its humanitarian assistance programme, to provide appropriate assistance to facilitate cultural exchanges between Sarajevo and the international community and to facilitate the delivery and installation of a reliable communication system in Sarajevo for the use of the civilian population;

11. Urges the Secretary-General to take immediate action to reopen Tuzla airport in order to facilitate the receipt and distribution of international humanitarian aid, consistent with the provisions of Security Council resolution 770 (1992) of 13 August 1992;

12. Demands that all concerned facilitate the unhindered flow of humanitarian assistance, including the provision of water, electricity, fuel and communication, in particular to the "safe areas" in Bosnia and Herzegovina, and, in this context, urges the Security Council to implement fully its resolution

770 (1992) to ensure the free flow of humanitarian assistance, particularly, to the "safe areas";

13. Commends all States, and in particular the States bordering on the Federal Republic of Yugoslavia (Serbia and Montenegro) and the other Danube riparian States, for the measures they have taken to comply with the mandatory sanctions imposed by the Security Council against the Federal Republic of Yugoslavia (Serbia and Montenegro), and urges all States to continue their vigilant enforcement of those sanctions measures;

14. Condemns vigorously the violations of the human rights of the Bosnian people and of international humanitarian law committed by parties to the conflict, especially those committed as policy by Serbia and Montenegro and the Bosnian Serbs, who have done so flagrantly and on a massive scale;

15. Urges the Security Council, in fulfilling its responsibility under Article 24 of the Charter, to take all appropriate steps to uphold and restore fully the sovereignty, political independence, territorial integrity and unity of the Republic of Bosnia and Herzegovina, in cooperation with States Members of the United Nations and the Government of the Republic of Bosnia and Herzegovina;

16. Deeply alarmed by the continuing systematic abuses committed against Albanians, Bosnians, Hungarians and Croatians, and others in Kosovo, Sandzak and Vojvodina, respectively, by the authorities of Serbia and Montenegro and, in that regard, condemns the decision of those authorities not to renew the mandate of the monitoring missions of the Conference on Security and Cooperation in Europe in those regions;

17. Further urges the Security Council to give all due consideration, on an urgent basis, to exempt the Republic of Bosnia and Herzegovina from the arms embargo as imposed on the former Yugoslavia under Security Council resolution 713 (1991) of 25 September 1991;

18. Urges Member States, as well as other members of the international community, from all regions, to extend their cooperation to the Republic of Bosnia and Herzegovina in exercise of its inherent right of individual and collective self-defence in accordance with Article 51 of Chapter VII of the Charter of the United Nations;

19. Reaffirms its resolution 47/1 of 22 September 1992, and urges Member States and the Secretariat in fulfilling the spirit of resolution 47/1, to end the de facto working status of Serbia and Montenegro;

20. Requests that the International Committee of the Red Cross be granted free access to all detention camps established by the Serbs in Serbia and Montenegro and in Bosnia and Herzegovina, and to all persons imprisoned in those camps, and that all prisoners be notified of this action without delay;

21. Requests the Security Council to act immediately to close all detention camps in Bosnia and Herzegovina and further to close concentration camps established by the Serbs in Serbia and Montenegro and in Bosnia and

Herzegovina and, until implementation, to assign international observers to those camps;

22. Expresses its appreciation to those States and international institutions which have provided humanitarian assistance to the people of the Republic of Bosnia and Herzegovina, and appeals to all Member States to contribute generously towards alleviating their sufferings, including assistance to refugee centres for Bosnian refugees in other countries;

23. Further affirms individual responsibility for the perpetration of crimes against humanity committed in the Republic of Bosnia and Herzegovina;

24. Welcomes the establishment of the International Tribunal constituted pursuant to Security Council resolution 827 (1993) of 25 May 1993 and encourages the provision of all resources necessary, including voluntary contributions from States, intergovernmental, and non-governmental organizations, so that it can conduct its stipulated functions of trying and punishing those responsible for the perpetration of violations of international law;

25. Encourages the Commission of Experts, in cooperation with the Prosecutor of the International Tribunal on the former Yugoslavia, to facilitate the work of the International Tribunal, including the establishment of a record of violations such as ethnic cleansing and systematic rape;

26. Requests the Secretary-General to provide the necessary resources and support for the Commission to carry out its functions;

27. Calls upon the Security Council to ensure that the proposals contained in the "Geneva Peace package" are in conformity with the Charter of the United Nations, the principles of international law, its previous resolutions and those adopted by the Security Council, and the principles adopted at the International Conference on the former Yugoslavia;

28. Calls for the urgent reconvening of the International Conference on the former Yugoslavia in order to arrive at just and equitable proposals for lasting peace in the Republic of Bosnia and Herzegovina and calls upon the parties to the conflict to show good faith as they continue to negotiate in order to reach a just, equitable and durable solution;

29. Requests the Secretary-General to submit a report on the implementation of the present resolution within 15 days of its adoption, as well as the report called for under the auspices of the London Conference, which, regrettably, has not yet been issued;

30. Decides to remain seized of the matter and to continue the consideration of this item.